

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

FEB 22 2024

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

MICHAEL MAES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 24-323

ORDER

Before: FERNANDEZ, NGUYEN, and OWENS, Circuit Judges.

Michael Maes has filed a “Writ of Habeas Corpus § 2241.” Although Maes has not identified the district court case number, it appears he is challenging his 2018 convictions for methamphetamine offenses, in violation of 21 U.S.C. § 846, and money laundering offenses, in violation of 18 U.S.C. § 1956(a)(1)(B)(i) and 1956(h), in United States District Court for the Southern District of Mississippi case number 1:16-cr-00067-HSO-JCG-5. We treat Maes’s submission as a 28 U.S.C. § 2255 motion.

A § 2255 motion must be filed in the district court that imposed the sentence. *See* 28 U.S.C. § 2255(a); *Stephens v. Herrera*, 464 F.3d 895, 897 (9th Cir. 2006). If a § 2255 motion is filed in the court of appeals, the motion “must be transferred to the appropriate district court.” Fed. R. App. P. 22(a); *see* 28 U.S.C. §§ 1631, 2241(b).

Accordingly, the Clerk will transfer the § 2255 motion filed at Docket Entry No. 1 and the motions at Docket Entry Nos. 4 and 5 to the United States District Court for the Southern District of Mississippi, for whatever consideration that court deems appropriate. The motion is deemed filed on January 1, 2024, the date on which it was delivered to prison authorities for forwarding to this court. *See* Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 270 (1988).

This court expresses no opinion as to the merits of Maes's claims or whether the procedural requirements of § 2255(f) are satisfied.

The Clerk will also serve this order on the Honorable Halil Suleyman Ozerden.

Upon transfer of the motions, the Clerk will close this original action.

**MOTIONS TRANSFERRED to the district court.**